# **State Board of Equalization**

# **OPERATIONS MEMO**

Confidential

No. : 1156 Date : July 10, 2008 Revised : October 10, 2008

SUBJECT: New Procedures for Prosecution of Sellers Operating with No Permit or with a Revoked Permit.

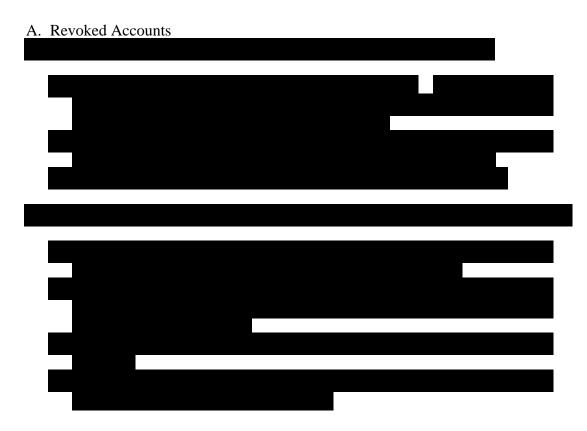
### I. PURPOSE

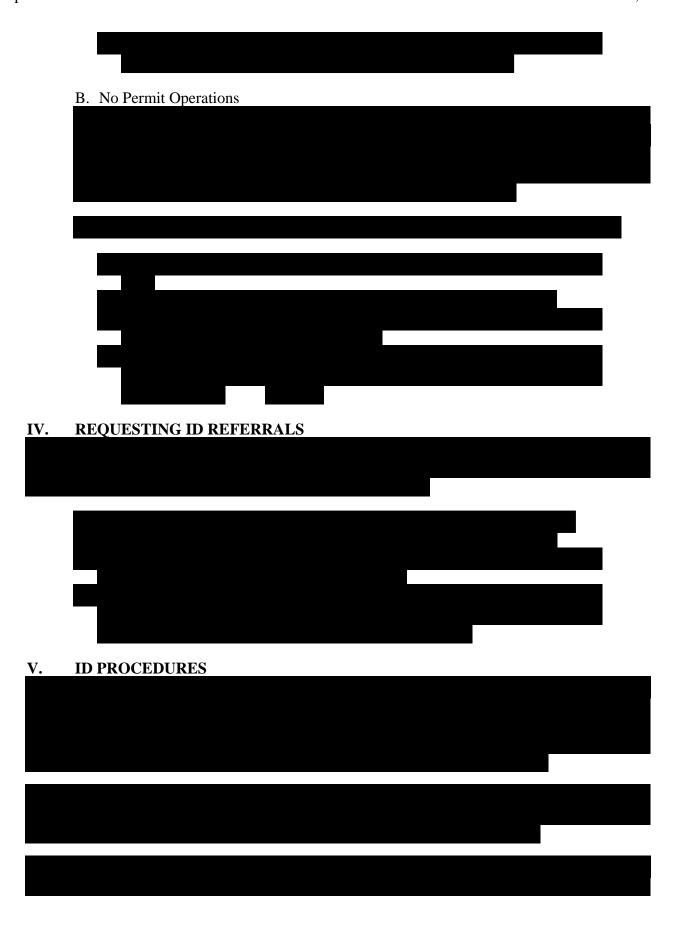
The purpose of this operations memo is to provide new guidelines and procedures to be followed for citation and prosecution of sellers operating with no permit or with a revoked permit.

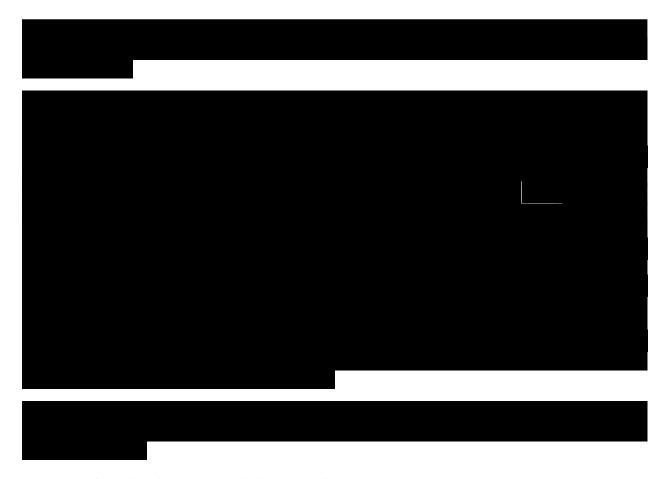
### II. BACKGROUND

Previously, criminal complaints for prosecution under Revenue and Taxation Code section 6071 for operating without a permit or with a revoked permit were filed by the district offices with the local district attorney's office. These types of cases will now be addressed by the Investigations Division's (ID) citation and prosecution process. Districts will refer requests for prosecution to ID under section 6071.

# III. CRITERIA FOR ACCOUNT REFERRAL







# VI. DISTRICT OFFICE PROCEDURES AFTER REFERRAL

After receiving notification of acceptance for prosecution from ID, the district compliance representative will promptly mail the Notice of Referral for Citation and Prosecution (BOE-1248-B) and the informational brochure *Criminal Prosecution for Failure to Possess a Valid California Seller's Permit (BOE-1248-C)* to the taxpayer or the no-permit operator.





# VII. OBSOLESCENCE

This operations memo will become obsolete when the information contained herein is incorporated into the CPMG.

Randie L. Henry Deputy Director Sales and Use Tax Department Kristine Cazadd Chief Counsel Legal Department

Distribution: 1-D